IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE A.GOPAL REDDY
and
THE HON'BLE MR JUSTICE P.SWAROOP REDDY

WRIT PETITION NO : 20792 of 2007

DATE:22.10.2007

Between:

Tanuku Krishna Kumari

..... PETITIONER

AND

1. The Station House Officer, Chintalapudi, West Godavari District, and another.

.....RESPONDENTS

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ORAL ORDER: (per Hon'ble Sri Justice A. Gopal Reddy)

The wife of Mr. Tanuku Sekhar, filed this writ petition alleging that in the early hours of 27.09.2007, about 10 policemen in mufti, came to her house in a Tata Sumo, entered forcibly into her house and took away her husband. Since then he is in the illegal custody of the police. It is also alleged that the police are threatening them not to come in their way. She also issued fax representations to the State Human Rights Commission and to the High Court on 27.09.2007.

In response to the notice, the Circle Inspector of Police, Chintalapudi Circle, West Godavari District, who is holding additional charge of SHO, Chinthalapudi Police Station, filed counter affidavit stating that one Kathira Buchibabu lodged a complaint with the police stating that on 26.09.2007, at about 2 pm., at Kalpana Wine Shop, Chinthalapudi, four persons, namely, Tanuku Shekar, Saka Ganga Raju, Pedapati Ramu and M. Venu threatened him with dire consequences at the point of revolver and extracted Rs.500/- from his pocket and threatened to see his end. On the basis of the above complaint a case in Crime No.144 of 2007 for the offence under Section 384 r/w Section 34 IPC was registered and took up investigation. During the course of investigation, the then Sub-Inspector of Police, Chintalapudi, on receiving credible information that the alleged detenu, who is accused No.1 in the above said crime, was present at his residence, he along with his staff immediately proceeded to the house of the alleged detenu, who on seeing the Police tried to escape. The Police surrounded and took the alleged detenu into custody. On examination he confessed that he is the Executive Committee member

of the Rythu Coolie Sangam of CPI (ML) Chandrapulla Reddy Naxalite Group and the other accused in the above crime are also associated with him, and he committed the above crime. After complying with the formalities of arrest, the alleged detenu was produced before the Judicial First Class Magistrate, Chinthalapudi on 28.09.2007.

Having regard to the fact that the alleged detenu, who was arrayed as Accused No.1 in the crime registered for the offence under Section 384 r/w Section 34 IPC, was arrested and produced before the learned Magistrate, who remanded the alleged detenu to judicial custody, it cannot be said that the alleged detenu was in illegal custody of the police.

Accordingly, the Writ Petition is dismissed at the admission stage.

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(A. GOPAL REDDY, J.)

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(P. SWAROOP REDDY, J.)

22nd October, 2007
Js.